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1 — A massive seawall for Southeast Texas could save money. But so far, there's none to spend, Houston Chronicle, 1/6/18

<https://www.houstonchronicle.com/news/houston-texas/houston/article/A-massive-seawall-for-Southeast-Texas-could-save-12477716.php>

If the Houston-Galveston region continues to boom for the next 60 years and sea level rises as scientists predict, a direct hit to Galveston from a massive hurricane could destroy an estimated \$31.8 billion worth of homes, a new study says. But Texas A&M researchers found that with a 17-foot barrier about 60 miles long from Galveston Island to Bolivar Peninsula, the potential residential destruction from a storm surge would drop to about \$6 billion.

2 — How thousands of homes were built inside Houston reservoirs designed to flood (audio), Texas Tribune, 1/6/17

<https://www.texastribune.org/2018/01/06/tide-high-wading-through-hurricane-harveys-damage-audio/>

Last year saw the most destructive Atlantic hurricane season on record. As climate change pushes ocean temperatures ever higher, scientists predict storms will continue growing more severe. How did we get here? And what steps are we taking to ensure that rising seas and catastrophic weather don't swallow American communities whole?

3 — Appeals court keeps leash on in Ark. haze case, E&E News, 1/5/17

<https://www.eenews.net/greenwire/2018/01/05/stories/1060070249>

A federal appeals court has balked at U.S. EPA's bid for an open-ended hold on litigation surrounding emissions reduction requirements for several Arkansas power plants, instead extending the freeze for another 90 days.

4 — 2 states' river feud clearing up, WRAL, 1/7/18

<http://www.wral.com/2-states-river-feud-clearing-up/17230507/>

The Arkansas Democrat-Gazette reports that the level of phosphorus in the Illinois River continues to consistently exceed Oklahoma's state standard of 0.037 milligrams of phosphorus per liter, reports show, more than a decade after the state sued Northwest Arkansas poultry companies for contributing the element to the river.

5 — Hog farm's request for new permit languishing, Arkansas Democrat-Gazette, 1/8/17

<http://www.arkansasonline.com/news/2018/jan/08/hog-farm-s-request-for-new-permit-langu/?f=latest>

Sunday was the 640th day since C&H Hog Farms applied for a new permit for its Mount Judea concentrated animal feeding operation, and it remains unclear when the farmers will learn the outcome of their request.

6 — Earthquake 3.5 magnitude hits just south of San Antonio, San Antonio Express-News, 1/7/18

<http://www.mysanantonio.com/news/local/article/Earthquake-3-5-magnitude-hits-just-south-of-San-12478702.php>

A 3.5 magnitude earthquake hit south of San Antonio Saturday morning according to the U.S. Geological Survey. The location of the quake is right in the middle of the Eagle Ford Shale play.

7 — Magnitude 3.1 earthquake rattles part of Oklahoma, Tulsa World, 1/7/18

http://www.tulsaworld.com/ap/national/magnitude-earthquake-rattles-part-of-oklahoma/article_d4cc7256-28a4-5ec9-a3a2-37d0ec429b3b.html

A magnitude 3.1 earthquake has shaken part of north-central Oklahoma. The U.S. Geological Survey says the quake was recorded at 1:37 p.m. Sunday about 10 miles east of Hennessey in Kingfisher County. The temblor was recorded at a depth of two miles.

8 — Bayou Bridge pipeline winds up in court as environmentalists, state square off, Baton Rouge Advocate, 1/5/18

http://www.theadvocate.com/baton_rouge/news/environment/article_fb91e052-f254-11e7-a8ba-831cd3f1603d.html

A state judge is weighing arguments about whether to overturn a necessary permit for Bayou Bridge, the proposed crude oil pipeline that would connect Lake Charles to St. James Parish.

9 — EPA moving quickly to write new climate rule in 2018, Politico, 1/5/18

<https://www.politico.com/story/2018/01/05/epa-climate-rule-2018-327113>

Environmental Protection Agency staffers are under orders from the Trump administration to complete a replacement for former President Barack Obama's major climate change rule by the end of the year, far faster than the normal pace the agency uses to develop major regulations, according to three sources familiar with the process.

10 — Congressional watchdog to study Superfund site risks posed by disasters, climate change, The Hill, 1/5/18

<http://thehill.com/policy/energy-environment/367598-gao-to-study-superfund-sites-risks-from-disasters-climate-change>

A top government watchdog group is planning to study the risk that natural disasters and climate change pose to the nation's Superfund sites.

11 — EPA wants to list New Mexico creek basin as cleanup priority, KTXS, 1/6/18

<http://www.ktxs.com/news/texas/epa-wants-to-list-new-mexico-creek-basin-as-cleanup-priority/682385689>

Federal environmental regulators want to add a northwestern New Mexico creek basin in an area with a history of uranium mining to a list of priorities for cleanup.

12 — OPINION: Trump's offshore oil drilling plans ignore the lessons of BP Deepwater Horizon, New Orleans Times-Picayune, 1/5/18

http://www.nola.com/opinions/index.ssf/2018/01/trumps_offshore_oil_drilling_p.html#incart_river_index

The Trump Administration is proposing to ease regulations that were adopted to make offshore oil and gas drilling operations safer after the 2010 Deepwater Horizon disaster. This event was the worst oil spill in U.S. history.

An advertisement for AT&T Prepaid. On the left is the AT&T logo and the text "AT&T PREPAID". In the center is a smartphone displaying a picture of the Golden Gate Bridge. To the right of the phone, the text reads "Unlimited Data \$60/mo after \$5 AutoPay discount". Further right, in smaller text, is "See Offer Details.". On the far right, in a blue box, is the text "GET IT NOW".

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An advertisement for the Houston Chronicle. The background is dark blue with a faint city skyline. At the top, it says "HOUSTON★CHRONICLE". Below that, in white text, is "As low as \$1 per week / Unlimited Digital Access". Underneath that is "HoustonChronicle.com | App for iPhone and iPad | eEdition". At the bottom, in a red box, is the word "SUBSCRIBE".

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SUBSCRIBE

A massive seawall for Southeast Texas could save money. But so far, there's none to spend

By Susan Carroll and Mike Ward | January 5, 2018 | Updated: January 6, 2018 7:24pm



Photo: Michael Ciaglo, Staff

IMAGE 1 OF 11

One proposal for the Ike Dike storm surge barrier includes covering a structure with sand dunes to create a natural habitat and protect beachfront homes.

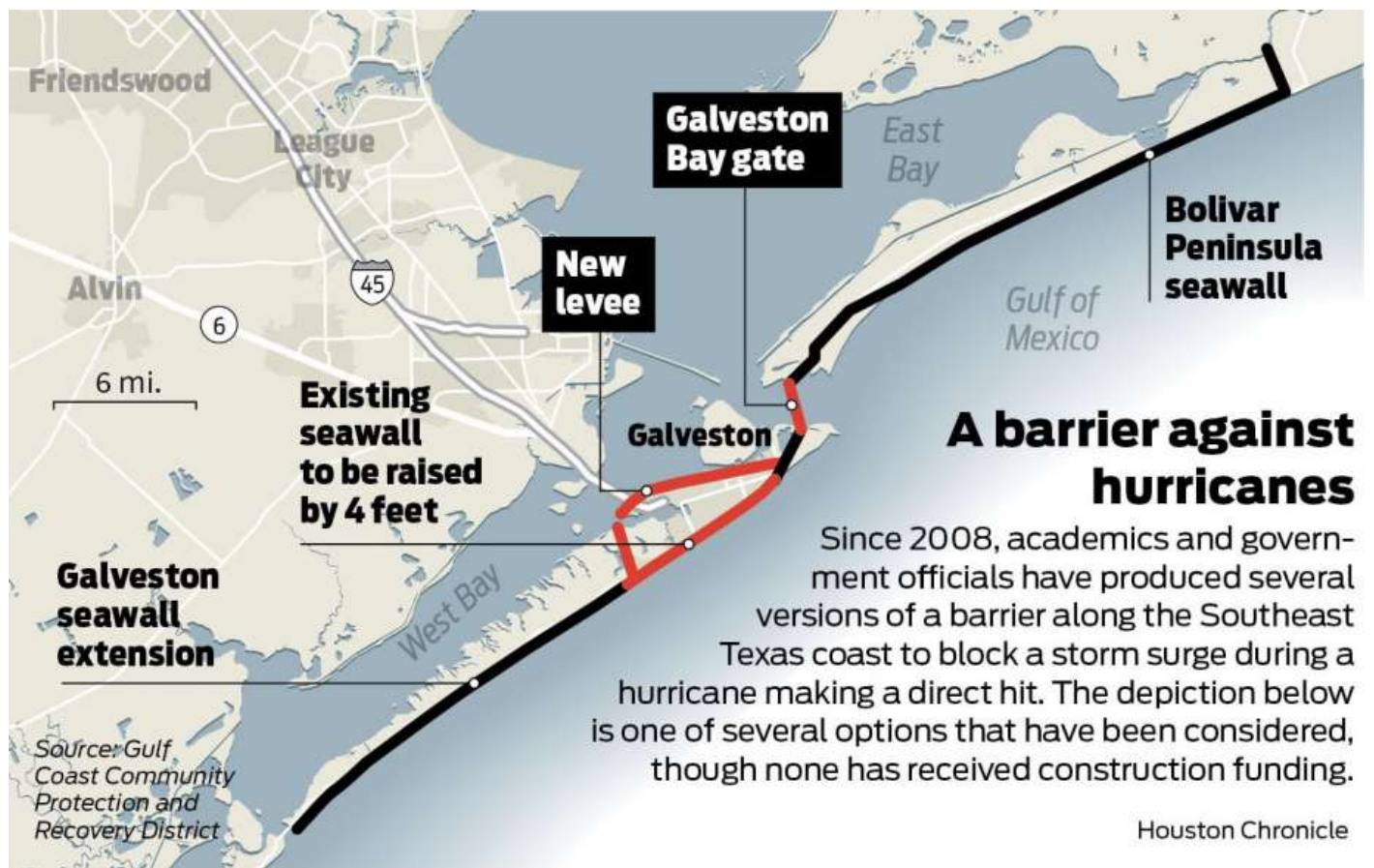
If the Houston-Galveston region continues to boom for the next 60 years and sea level rises as scientists predict, a direct hit to Galveston from a massive hurricane could destroy an estimated \$31.8 billion worth of homes, a new study says.

An advertisement for AT&T Prepaid. The background is blue. In the top right corner is the AT&T logo. The text "NEW!" is in yellow, followed by "AT&T PREPAID™" in white. Below that, "Unlimited Data" is in white, followed by "\$60/mo" in large white font, and "after \$5 AutoPay discount" in smaller white font. At the bottom is an orange button with "GET IT NOW" in white. On the right side, there is a smartphone displaying a picture of the Golden Gate Bridge. At the very bottom, in small white text, it says: "Data speed limited to max of 3 Mbps. Video streaming limited to a max of 1.5 Mbps. SD quality (about 480p). After 22GB of data usage, AT&T may slow speeds."

But Texas A&M researchers found that if the government builds a 17-foot barrier about 60 miles long from Galveston Island to Bolivar Peninsula, the potential residential destruction from a storm surge would drop to about \$6 billion – a reduction of more than 80 percent.

The only problem: **So far, Texas can't get congressional funding** to build the coastal barrier, a proposal that has been floated since Hurricane Ike threatened to make a run for Galveston in 2008.

"The numbers make sense," said state Sen. Larry Taylor, a Friendswood Republican who has tried for years to get federal funding for a coastal barrier, estimated to cost up to \$12 billion. "This investment is going to pay for itself time and time again."



The cost-benefit numbers could change with additional data: The A&M study only looked at damages to homes and apartments from a storm surge – not flooding caused by rainfall – and excludes the potential harm to the region's commercial buildings and its bustling ports.

After Hurricane Harvey hit the Texas coast in August, Taylor and other supporters of the coastal barrier saw their opportunity. Both [City of Houston](#) and [state officials](#) asked the [federal government](#) to include \$12 billion for a barrier as part of their post-Harvey aid requests.

But the \$81 billion disaster relief package passed by the House on Dec. 21 – which also includes aid for storm victims in Florida, Puerto Rico and the U.S. Virgin Islands – does not appear to include funding for the barrier. The Senate recessed for the holidays before taking up the disaster relief funding.



TRANSLATOR

To read this article in one of Houston's most-spoken languages, click on the button below.

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The storm relief likely will become part of the negotiations for an all-inclusive [2018 spending bill](#) to be considered by the Jan. 19 deadline for lawmakers to continue funding the [federal government](#), said U.S. Sen. John Cornyn, R-Texas.

U.S. Rep. Randy Weber, a Friendswood Republican, said some Republican lawmakers have pushed back against funding infrastructure as part of disaster relief, warning it sets a bad precedent.

Weber said he hopes to get the coastal barrier included in an infrastructure package if efforts to include it in disaster relief ultimately fail.

"This is foolish for us to just keep paying for these disasters over and over and over again," Weber said. "How about something to prevent this from happening on the next go around?"

State officials say they are willing to chip in for construction of a barrier, but can't – and shouldn't have to – pay for it alone.

A spokesperson for Gov. Greg Abbott said he was working with Congress on a Harvey recovery package but did not address state funding for the coastal barrier.

"The package is a work in progress and Governor Abbott continues to work with Congress to fight for the funds necessary to rebuild after Harvey," said Ciara Matthews, deputy communications director.

The Texas General Land Office already has dedicated more than \$15 million toward studying coastal protection, the bulk of it going to a joint \$20 million study with the U.S. Army Corps of Engineers that is expected to generate possible construction recommendations by this summer.

"There's no question that the state is going to tap the Rainy Day Fund to pay for Harvey costs, but should the state pay the entire cost for the Ike Dike? No," said state Sen. Paul Bettencourt, R-Houston, a confidante of Lt. Gov. Dan Patrick who heads one of several special Senate committees studying Harvey. "That's absolutely unrealistic to even suggest that. Let's recognize the obvious: The state doesn't have to money to do that.



Ada, OK: This Brilliant Company Is Disrupting A \$200 Billion Industry

EVERQUOTE

"Should the state pay something? Yes," he said. "Should the feds and local governments chip in? Yes. This is what the feds are for, is to take the lead on projects like this. This is a project that will take collaboration to get it done."

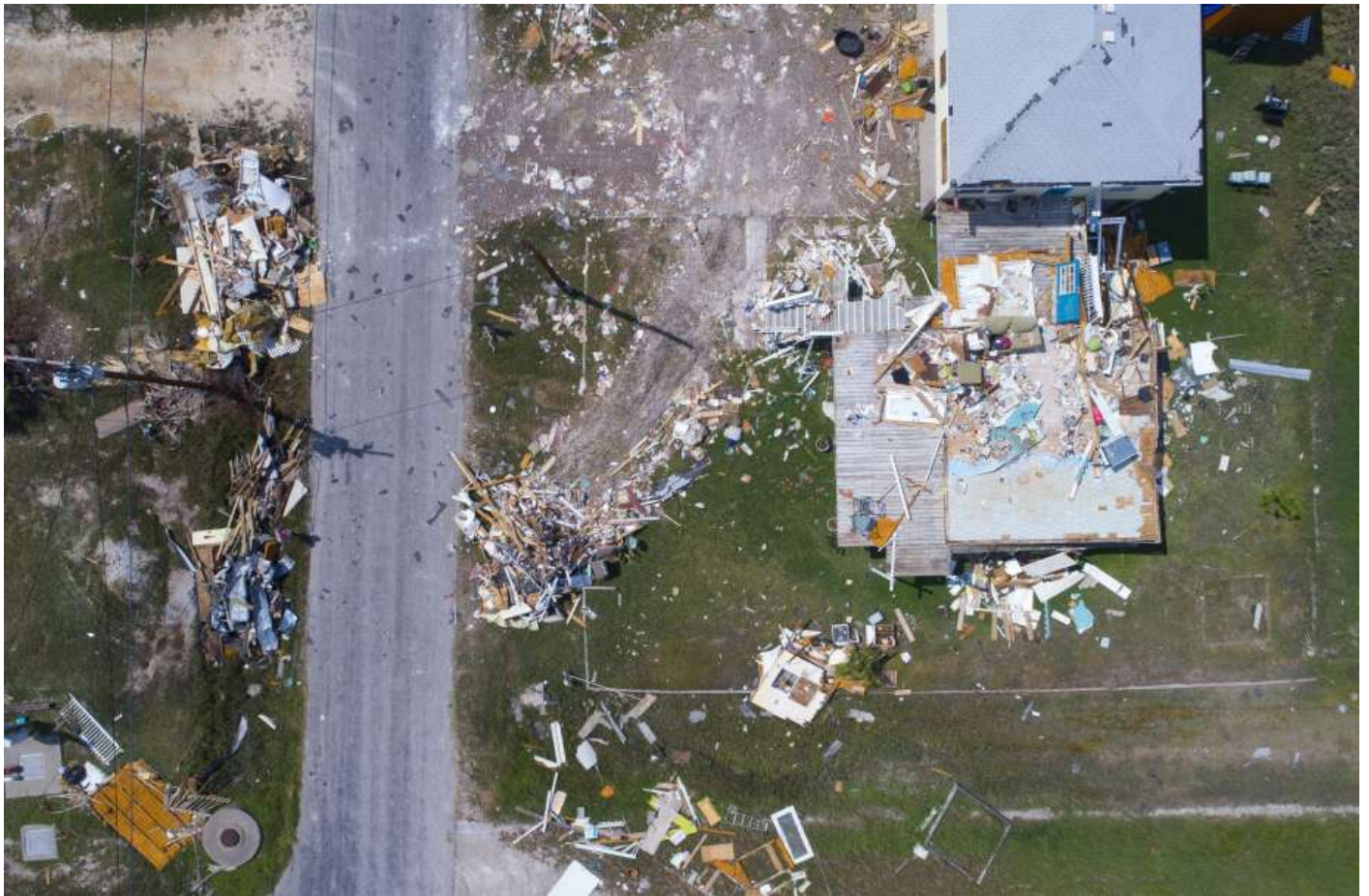


Photo: Mark Mulligan/Houston Chronicle

Debris is scattered around a home in Rockport, TX, Wednesday, Sept. 13, 2017. Rockport took a direct hit from Hurricane Harvey on August 25, 2017.

A wall of water

For years, academics and lawmakers have warned of the potential danger of a direct-hit hurricane for the Houston-Galveston region. **Hurricane Ike in 2008 looked as if it might slam into Galveston, but it veered away before landfall.**

Hurricane Harvey slammed into Rockport, about three hours south of Houston, in August and dumped rain for days, creating epic flooding in Houston. As bad as Harvey was, Weber said, the region still "dodged a bullet" compared to what would happen if a hurricane slammed directly into Galveston and sent a wall of water up the 44-mile Houston Ship Channel.

In March, Weber and other members of the House Transportation and Infrastructure Committee visited the Netherlands to see the massive barrier system installed there after a flood killed thousands.

"I've looked at their gates. They hold back the sea," Weber said. "And by golly, if they do it over there, why can't we do it over here? It's not a matter of if we get another hurricane. It's simply when."

The Houston Chronicle also visited the Netherlands after Harvey to explore possible solutions to the flooding here. One of the main lessons: There's a short window to get plans in motion for big-picture projects.



What the project may ultimately involve is still up in the air.

Texas A&M professor Bill Merrell proposed the idea of building a barrier after Ike hit the coast, causing an estimated \$30 billion in damages. Modeled after a system built by the Dutch, the idea eventually secured backing by the state, which created a public corporation in 2010 to study its feasibility.

But with the economy still in recovery mode, and no funding for the public corporation until 2013, the project seemed to progress in fits and starts, beset by opposing visions among academics and concerns about its potential environmental impact.



Photo: Michael Ciaglo, Staff

A seawall that would protect the Bolivar Peninsula from storm surges is part of the \$11.6 billion "Ike Dike" plan.

'Largest engineering feats'

Texas A&M and Rice University researchers have extensively studied the coastal barrier and have floated proposals that vary widely in scope and price, but are all in the billions.

The General Land Office and the U.S. Army Corps of Engineers reached an agreement in 2015 to split the cost of a study to evaluate risk reduction and ecosystem restoration along the Texas coast. The study involves analyzing four different options for coastal protection, including building barriers, levees and surge gates.

The Corps expects to publish a draft study with construction recommendations in the summer of 2018 and a final report by 2021.

"I believe this will lead to one of the largest engineering feats of the 21st century," Col. Lars Zetterstrom, the Army Corps' Galveston District commander, told a state legislative committee in

October.

Taylor, the Friendswood lawmaker who is co-chair of the state's Joint Interim Committee to Study a Coastal Barrier System, said although the project's construction as yet remains unfunded, he is not giving up hope – far from it.

Taylor noted that President Donald J. Trump has signaled support for infrastructure projects, and cited the general momentum toward mitigation post-Harvey.

"I think this is our best opportunity," he said. "If we don't get it done in this next year, our chances start diminishing."

The Army Corps has about \$60 billion in authorized construction projects nationally that compete each year for money based on their cost-benefit ratio, said Edmond Russo, the Corps' deputy district engineer for programs and project management in Galveston.

"It's a very competitive process," he said.

State Sen. Sylvia Garcia, a Democrat who represents Houston's East End and parts of Pasadena, Galena Park and Baytown, said the project is simply "taking too long," considering what is at stake.

"We've studied this thing enough," she said. "It's time for action."

A direct hit from a hurricane is "probably the greatest risk to our region," she said, "and it is increasing each day."

DEVELOPING STORM: Hurricane Harvey was the most destructive storm in Houston's history. The late-August storm dumped up to 60 inches of rain on southeast Texas, but the resulting damage was multiplied by actions taken — and not taken — during the past 50 years. [Our seven-part series](#) explains why the storm's damage was both a natural and man-made disaster.

Part 1: [Nature ruled, man reacted. Hurricane Harvey was Houston's reckoning](#)

How thousands of homes were built inside Houston reservoirs designed to flood (audio)

Last year saw the most destructive Atlantic hurricane season on record. How did we get here? We investigated by wading through the damage left by Hurricane Harvey in Houston.

BY **NEENA SATIJA**, THE TEXAS TRIBUNE AND REVEAL JAN. 6, 2018 12 AM




Aerial view of Barker Dam and Reservoir in Houston on Tuesday, Sept. 19, 2017.
Michael Stravato for The Texas Tribune



How thousands of homes were built inside Houston reservoirs designed to flood (audio)



- 00:00 / 17:31 

[Download audio file](#)

Last year saw the most destructive Atlantic hurricane season on record. As climate change pushes ocean temperatures ever higher, scientists predict storms will continue growing more severe.

How did we get here? And what steps are we taking to ensure that rising seas and catastrophic weather don't swallow American communities whole?

AIR POLLUTION

Appeals court keeps leash on in Ark. haze case

Sean Reilly, E&E News reporter

Published: Friday, January 5, 2018

A federal appeals court has balked at U.S. EPA's bid for an open-ended hold on litigation surrounding emissions reduction requirements for several Arkansas power plants, instead extending the freeze for another 90 days.

In an [order](#) yesterday, the 8th U.S. Circuit Court of Appeals also instructed all sides in the lawsuits to confer by phone every 30 days and then provide a status report at the end of the 90-day abeyance period.

That's a tighter leash than EPA had wanted. Last month, the agency sought to put the package of consolidated lawsuits into "complete abeyance" while the Arkansas Department of Environmental Quality pursues a rewrite to the Obama-era regional haze rule.

The measure is geared primarily toward reducing releases of nitrogen oxides and sulfur dioxide from coal-fired power plants.

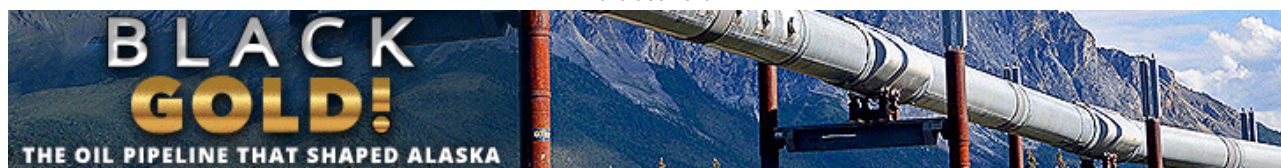
After signing a memorandum of understanding, state and federal regulators "have a clear path forward and have embarked on a long-term process for administratively replacing the final rule," EPA attorneys wrote in their motion last month ([E&E News PM](#), Dec. 18, 2017).

The case has been in abeyance since last March. In a filing last month, the National Parks Conservation Association and the Sierra Club urged an immediate resumption in legal proceedings. Barring that, they asked that any additional pauses be limited to no more than six months.

EPA's regional haze program, dating back to 1999 in its current form, aims to restore natural visibility to 156 national parks and wilderness areas by 2064.

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BUSINESS

2 states' river feud clearing up

Posted 1:01 a.m. yesterday

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Reactions

By EMILY WALKENHORST, Arkansas Democrat-Gazette

LITTLE ROCK, ARK. — Once an avid camper and canoeist, Ed Brocksmith no longer visits the Illinois River in east Oklahoma.

These days Brocksmith fishes for smallmouth bass and sand bass at Horseshoe Bend, located on the upper portion of Tenkiller Lake where the Illinois River drains into it. Decades ago, the water was so clear he could step 4 or 5 feet into the lake and still see his feet.

"That's no longer the case," said Brocksmith, 76, a secretary and treasurer with the volunteer group Save the Illinois River.

Brocksmith is concerned that phosphorus levels in the Illinois River will continue to contribute to the degradation of the lake and eventually

threaten its bass population. He and others worry the lake eventually will become hospitable only to the "wrong" type of fish, like catfish.

"We want to catch those fish and not mudcats," Brocksmith said.

The Arkansas Democrat-Gazette reports that the level of phosphorus in the Illinois River continues to consistently exceed Oklahoma's state standard of 0.037 milligrams of phosphorus per liter, reports show, more than a decade after the state sued Northwest Arkansas poultry companies for contributing the element to the river.

Such levels pose a threat to the well-being of the highly popular river, which each year draws about 500,000 visitors -- including some 200,000 floaters -- who spend an estimated \$15 million, according to the Grand River Dam Authority, a branch of Oklahoma's state government.

There are indications things are getting better.

The level of phosphorus is far lower than it used to be, from as high as an average of 0.423 milligram of phosphorus per liter in Watts, Oklahoma, in 1980 to 0.065 milligrams of phosphorus per liter in the same spot in 2016. Samples taken this fall from other parts of the river show levels ranging from 0.05 milligrams of phosphorus per liter to 0.09, according to Brian Haggard, director of the Arkansas Water Resources Center at the University of Arkansas, Fayetteville.

Experts attribute the drop to farmers applying less poultry litter -- which is rich in phosphorus -- to the ground in Northwest Arkansas and industries reducing the amount of phosphorus in their wastewater. The Illinois is one of several rivers across the country that the U.S. Geological Survey identifies with likely improving phosphorus levels.

The lower environmental footprint comes at a time when Northwest Arkansas' population has more than doubled to more than 500,000 people, according to census estimates.

"We're making progress, but we still have a bit to go," said Nicole Hardiman, executive director of the Illinois River Watershed Partnership, an Arkansas-based nonprofit formed in 2005 that focuses on voluntary means of reducing phosphorus in the river.

The amount of poultry litter applied to ground in the Illinois River's Northwest Arkansas watershed has dropped significantly at a time when the amount of litter being generated has increased, according to Arkansas Natural Resources Commission data analyzed by the Arkansas Democrat-Gazette. In the counties that contain portions of the watershed, the amount of poultry litter applied has dropped 30 percent, from 219,195 tons in 2004 -- the earliest year of data available -- to 154,067 tons in 2016.

Several Arkansas counties in the region are subject to stricter regulation because of the dispute with Oklahoma. In those areas, collectively called the Nutrient Surplus Area, the amount of phosphorus that farmers can

apply to land is limited and farmers must create nutrient management plans that detail what is applied. Farmers are not subject to those regulations elsewhere in the state, although the integrating poultry companies with which farmers contract may require a nutrient management plan as a part of their agreement.

The amount of applied poultry litter has decreased by 19 percent statewide and in 36 of the 58 counties that have reported nutrient application during at least a portion of that time period. Two counties -- Lonoke in east-central Arkansas and Jackson in northeast Arkansas -- have reported no application. The amount of applied poultry litter has increased in 20 counties.

Arkansas poultry farmers have been selling more poultry litter to farmers in other states, said Sheri Herron Scott, executive soil scientist for BMPs, a nonprofit that helps coordinate the sales. Since poultry companies started the nonprofit in 2004, more than 1 million tons of litter have been moved out of the watershed, according to Caroline Ahn, a spokesman for Tyson Foods.

"Cooperative efforts between the states of Arkansas and Oklahoma, along with regulatory programs and the efforts of the poultry industry have helped to make substantial improvements," Ahn said in a written response to an interview request.

The amount of phosphorus from the Springdale wastewater utility also has dropped, said Heath Ward, executive director of Springdale Water Utilities. In fiscal 2001-2002, the utility's treated effluent contained on average 8.4 milligrams of phosphorus per liter. In fiscal 2016-2017, it contained 0.24 milligram of phosphorus per liter.

That's the product of cleaner wastewater from industries and millions of dollars spent on improving the utility's treatment processes, Ward said.

The treatment is a five-part process that partially removes nutrients such as phosphorus from the wastewater. Called the Bardenpho process, it involves five tanks -- anaerobic, anoxic, aerobic, anoxic (again) and aerobic (again) -- that mix fluids and ultimately separate out nitrogen.

The Bardenpho process has resulted in a Rogers treatment plant producing one-tenth of the phosphorus produced previously, according to plant manager Todd Beaver. The discharge has less than 0.1 milligram of phosphorus per liter.

Fayetteville's new Nowlin treatment plant also discharges at about that level.

Ward wants to improve the things the region is doing, but he also noted a project in Fayetteville that restored a few hundred feet of stream bank that kept between 8,000 and 10,000 pounds of phosphorus from finding its way into the Illinois.

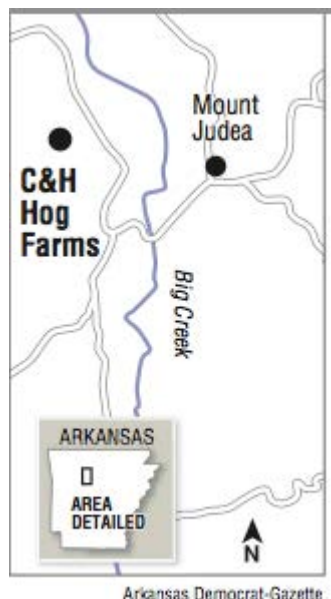
Hog farm's request for new permit languishing

By [Emily Walkenhorst](#) [twitter](#)

This article was published today at 1:00 a.m.

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A map showing the location of C&H Hog Farm

Comments

Font Size

Sunday was the 640th day since C&H Hog Farms applied for a new permit for its Mount Judea concentrated animal feeding operation, and it remains unclear when the farmers will learn the outcome of their request.

C&H, which abuts a Buffalo River tributary in Newton County, has been operating on an indefinite extension of its expired permit, which falls under a different regulation and stipulates different numbers of hogs.

The new permit indicates the facility would house up to six boars of about 450 pounds each, 2,672 sows of at least 400 pounds each and 750 piglets of about 14 pounds each. It also estimates two waste-holding ponds would contain up to 2,337,074 gallons of hog manure, similar to what is contained now. Additional waste and wastewater would be applied over certain sites as fertilizer.

The current permit allows for 4,000 piglets and 2,503 sows.

While C&H has altered the number of hogs it intends to keep on-site, officials don't expect a significant difference in the amount of waste the animals will produce.

C&H has become the target of groups that fear its presence is an environmental risk to the Buffalo River. The river attracted 1.8 million tourists in 2016, and C&H's proximity to the river has caused a stir among people concerned manure from the farm -- the largest hog operation ever to operate in the county -- could make its way into the Buffalo and pollute the water.

The Arkansas Department of Environmental Quality received more than 1,000 comments in response to the permit application, the first time opponents of the farm have had the opportunity to comment on its continued existence. Opponents have said lax notification rules of C&H's original permit kept people from opposing its construction in the first place.

C&H's operators applied April 7, 2016, for an Arkansas Pollution Control and Ecology Commission Regulation 5 National Pollutant Discharge Elimination System permit for liquid animal waste systems. The current permit is a Regulation 6 permit, which is similar but has different notification

and periodic renewal requirements. The department has decided to discontinue issuing the Regulation 6 permit.

The Arkansas Department of Environmental Quality then spent months before the Pollution Control and Ecology Commission's administrative law judge litigating a permit approval for a facility to spread manure from C&H. After the permit approval was upheld, and nearly a year after C&H applied, the department gave preliminary approval to the application.

That was almost a year ago, on Feb. 15, 2017.

State Rep. Jeff Wardlaw, D-Hermitage, introduced a bill Feb. 10 that would require the department to issue a preliminary decision within 120 days of receiving a new permit application or permit modification for a liquid animal waste system. After the subsequent public comment period, the department would have 60 days to issue a final decision.

The bill passed 91-8 in the House and 32-3 in the Senate, and became Act 501 of 2017 on March 15.

"It's not business-friendly for them to take that long to decide on a permit," Wardlaw said. "That's the bottom line of why I ran and supported the bill."

He said many constituent permitting experiences inspired him to support the bill. He called the 21 months that have elapsed without a decision on C&H "ridiculous."

Because C&H had already applied for its new permit, the facility is not subject to the new law.

Arkansas Farm Bureau supported and pushed the bill, spokesman Rob Anderson said.

Department of Environmental Quality spokesman Donnally Davis said the C&H permit is still under review. He did not specify what more the department needs to do before it can issue a decision.

On Dec. 29, C&H operators sent information to the department that the department had requested in September.

The department requested geological site investigations conducted at the facility; construction plans for its waste management system; information related to the facility's nutrient management plan, including which water bodies are located nearby; status of the facility's manure storage ponds; and the operation and maintenance plan for the ponds levee.

C&H's response documents are available on the department's website, searchable through the facilities and permit database.

C&H operators had been given 90 days, from Sept. 19 to Dec. 18, to provide the information. On Dec. 6, they asked for a 90-day extension, but the department gave them only 10 days, arguing the original 90 "should have been more than sufficient time" to answer the department's questions.

Farm operators did not return phone and email messages left by the Arkansas Democrat-Gazette seeking comment.

"It seems peculiar to me that they are allowed to operate indefinitely with an expired permit," said Gordon Watkins, president of the Buffalo River Watershed Alliance, a group formed in 2013 to oppose C&H Hog Farms.

C&H was permitted in 2012 and began operating in the spring of 2013.

Watkins noted many things seem to be happening at once with C&H Hog Farms.

While the merits of C&H have been debated publicly for going on five years, recently C&H's operators have explored expanding their hog production.

Co-owner Jason Henson and representatives from JBS Live Pork, which supplies the hogs to C&H, held a public meeting in Clarksville in October about a proposed 5,200-sow facility with additional hogs in a flood-prone area of Johnson County. They said it would not replace C&H Hog Farms.

No permit application has been submitted for that facility.

NW News on 01/08/2018

Earthquake 3.5 magnitude hits just south of San Antonio

By **Chris Quinn**, mySA.com / San Antonio Express-News

Updated 10:17 am, Sunday, January 7, 2018

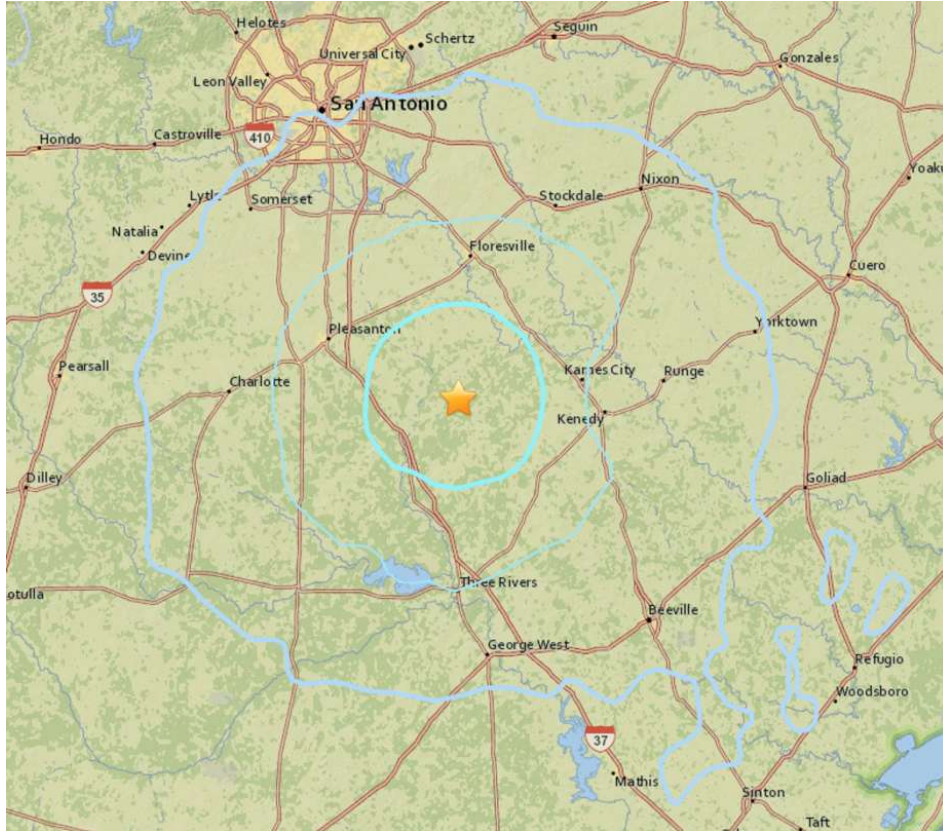


IMAGE 1 OF 19

The USGS reports the epicenter of an earthquake that hit Texas Saturday morning, Jan. 6, 2018, was approximately 16 miles southwest of Poth, near Fashing in Atascosa County.

A 3.5 magnitude earthquake hit south of San Antonio Saturday morning according to the U.S. Geological Survey.

The quake was centered approximately 16 miles southwest of Poth, near Fashing in Atascosa County. The earthquake was 3 miles deep.

Wilson and Atascosa county sheriff's office reported they did not receive or respond to any calls in regards to an earthquake Saturday morning.

There have been no reports of damage or injuries elsewhere.

Text "NEWS" to 77453 for breaking news alerts from mySA.com

The location of the quake is right in the middle of the Eagle Ford Shale play.

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http://www.tulsaworld.com/ap/national/magnitude-earthquake-rattles-part-of-oklahoma/article_d4cc7256-28a4-5ec9-a3a2-37d0ec429b3b.html

AP

Magnitude 3.1 earthquake rattles part of Oklahoma

Thousands of earthquakes have been recorded in Oklahoma in recent years

ASSOCIATED PRESS 17 hrs ago

HENNESSEY, Okla. — A magnitude 3.1 earthquake has shaken part of north-central Oklahoma.

The U.S. Geological Survey says the quake was recorded at 1:37 p.m. Sunday about 10 miles east of Hennessey in Kingfisher County. The temblor was recorded at a depth of two miles.

No damage or injuries were immediately reported. Geologists say that damage is not likely in earthquakes of magnitude 4.0 or less.

Thousands of earthquakes have been recorded in Oklahoma in recent years. Many have been linked to the underground injection of wastewater from oil and natural gas production. Scientists have also linked earthquakes in Kansas, Texas and other states to wastewater injection.

Oklahoma regulators have directed several oil and gas producers in the state to close injection wells and reduce volumes in others.

http://www.theadvocate.com/baton_rouge/news/environment/article_fb91e052-f254-11e7-a8ba-831cd3f1603d.html

Bayou Bridge pipeline winds up in court as environmentalists, state square off

BY STEVE HARDY | SHARDY@THEADVOCATE.COM JAN 5, 2018 - 6:46 PM



BY DAN SWENSON | THE ADVOCATE

Steve Hardy

A state judge is weighing arguments about whether to overturn a necessary permit for Bayou Bridge, the proposed crude oil pipeline that would connect Lake Charles to St. James Parish.

Environmental groups and St. James residents have appealed to the 23rd Judicial District Court to pull the coastal use permit for the 162-mile pipeline granted by the Department of Natural Resources and send it back for more study and consideration. Other agencies, including the parish government, state Department of Environmental Quality and the Army Corps of Engineers have also given the pipeline their blessing. The natural resources agency — which has jurisdiction over a small part of Bayou Bridge in the coastal zone around St. James — issued their approval months ago, and their decision was the first to be appealed.



St. James Parish Council narrowly approves land use needed for controversial Bayou Bridge pipeline

Story Continued Below

This week, pipeline opponents represented by the Tulane Environmental Law Clinic squared off with lawyers from the state and the pipeline company. Opponents told Judge Alvin Turner, Jr. that the Department of Natural Resources betrayed the public with an overly lax review that did not consider alternative routes.



Opponents file suit against state over permit granted to Bayou Bridge Pipeline

The state and company responded with disbelief. Pipelines are safer than transporting oil by truck and train, and Bayou Bridge underwent arduous vetting, said assistant attorney general Harry Vorhoff and pipeline attorney Jimmy Percy.

As Vorhoff discussed why it's desirable to bundle oil and gas pipelines, the judge broke in.

Turner didn't disagree, but remarked that the state's argument didn't sound great. It may be advantageous to build pipelines and storage facilities in concentrated areas so there aren't pipes and tanks strewn across Louisiana, but that's of little consolation to the people who live nearby and are subjected to higher emissions. History has also shown that when companies and regulators decide where to place the infrastructure, it disproportionately winds up in the backyards of African-American communities, he observed.

"The question is, 'When does it stop?'" Turner said.

But he also emphasized that he doesn't put decades of industrial development at the feet of Bayou Bridge, nor does he necessarily think it's his place to try to unilaterally reverse the trend.



Bayou Bridge pipeline receives Corps, DEQ permits, closing in on construction start

The Department of Natural Resources behaved "arbitrarily and capriciously" when they granted a permit without considering the cost to the community or investigate what would happen to the residents in the St. James community in the event of an explosion or spill, said Tulane student attorney Ryan Sundstrom.

"There is no plan in place that addresses oil spills. ... This jeopardizes public safety," added student attorney Talia Nimmer.

That's a specious argument, Percy said. The state's approval is contingent on getting a federally-enforced spill-response plan approved before operations can begin, he said. Bayou Bridge has already given a several-page overview to the state, Vorhoff remarked.

"This has been scrubbed in great detail," Percy said.

The Tulane lawyers also contended that the state didn't require Bayou Bridge to consider alternative routes.

Turner, the judge, asked Tulane attorney Elizabeth Calderón what she would have them do. It's not the public's job to come up with those contingencies, but the state should have demanded the company consider options outside of St. James, taking into account the costs to the people who live there, she said.

Vorhoff pushed back. Two-thirds of Bayou Bridge will be located along existing pipeline corridors because it's easier to add onto infrastructure that's already in place rather than building anew, like enlarging a landfill instead of building a new one, he said.

The remaining third of the pipeline will be on land leased by owners in mostly agricultural areas, he said.

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The effort to create a replacement rule signals that EPA is siding with the industry stakeholders who want a rule written under this administration. | Justin Sullivan/Getty Images

EPA moving quickly to write new climate rule in 2018

By **EMILY HOLDEN** | 01/05/2018 06:09 PM EST

Environmental Protection Agency staffers are under orders from the Trump administration to complete a replacement for former President Barack Obama's major climate change rule by the end of the year, far faster than the normal pace the agency uses to develop major regulations, according to three sources familiar with the process.

That short time frame would give EPA lawyers the chance to defend the regulation from the legal challenges it is certain to face during President Donald Trump's current term. That would allow the proposal from Scott Pruitt's EPA to avoid the fate of the Obama EPA's Clean

Power Plan, which was held up in court and is now being rescinded by a new administration that opposed the original carbon dioxide regulation.

EPA's air chief, Bill Wehrum, has directed staffers to develop a schedule for conducting analysis, public hearings and revisions that would be completed in 2018. Staff would need to complete a proposal by summer and allow time for the White House to review it before publication.

The tight timeline would mean that the agency would have to repeal and replace the Obama power-sector climate rule simultaneously but in separate processes. EPA would also have to finish revising a separate carbon rule for future fossil fuel plants, which must be in place in order to regulate existing generators.

Jeff Holmstead, a partner at the law firm Bracewell who ran EPA's air office under former President George W. Bush, called the time frame "ambitious but not impossible."

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"It certainly gives them time to defend before the D.C. Circuit," he said, though if the legal process stretches to the Supreme Court, it might not be resolved before the end of Trump's term.

The quick process underway is certain to draw scrutiny from environmental advocates who are gearing up for lawsuits against the changes.

"The Clean Power Plan would cut carbon pollution a third. A weak replacement that gets a percent or two in reductions won't be a serious response to climate change and won't meet Clean Air Act requirements. Americans — who depend on EPA to protect their health and climate — deserve a real solutions, not a scam," said David Doniger, climate director for the Natural Resources Defense Council.

Pruitt in recent weeks stopped suggesting that the agency might choose not replace the Clean Power Plan. Pruitt, who has questioned the role of manmade emissions in climate change, has been lobbied by some conservative groups such as The Heartland Institute and

Competitive Enterprise Institute to forgo a replacement and instead challenge the science-based endangerment finding that requires EPA to act to limit globe-warming emissions from power plants. Power companies, however, have pressed Pruitt to develop a replacement in order to give them some regulatory certainty and potentially head off any move by a future administration to write tougher standards.

The effort to create a replacement rule signals that EPA is siding with the industry stakeholders who want a rule written under this administration. But Pruitt could still conduct the "red team-blue team" debate over climate change science that he has promised to examine the scientific conclusions that humans are a dominant cause of climate change. That process could happen outside the regulatory and legal world, but it could be the foundation for a challenge to the endangerment finding. EPA would have a hard time fighting the finding after writing the rule precipitated by it, according to multiple conservative lawyers.

EPA's new rule is set to focus on coal plants alone, according to sources and options outlined in a recent notice. The Obama EPA's Clean Power Plan had set targets for states to shift away from coal and toward natural gas and renewable power, a strategy that Pruitt, as Oklahoma attorney general, joined other Republican states to argue was illegal.

EPA chief Pruitt is said to be eyeing attorney general job

By **ANDREW RESTUCCIA**

Obama's rule aimed to cut carbon levels 32 percent below 2005 levels by 2030. Trump's rule, which is likely to consider only efficiency upgrades that coal plants could make, would curb emissions far less. Some power sector experts have speculated that electricity generators might run their coal plants more if they were forced to operate more efficiently and become more competitive in the power markets. That could in turn lead to higher emissions.

Wehrum told E&E News earlier this week that EPA is still considering not writing a replacement rule. But several sources told POLITICO that Wehrum has been working rapidly since joining EPA in mid-November to sketch out a plan for crafting a new rule.

The agency has issued a proposal to withdraw the Clean Power Plan and an advance notice of proposed rule-making to replace the regulation. Comments on the withdrawal are due Jan. 16, but EPA is set to push back that deadline while it hosts three more public hearings that have not yet been scheduled. Comments on the ANPR are due Feb. 26.

Under a new version of the rule, EPA will have to determine whether to set a common efficiency standard for the coal fleet or write guidance for states to set their own standards for individual plants based on age and technology. Letting states set standards would align with Pruitt's push to give states more autonomy, but each individual plan would be subject to lawsuits at the state level and could linger in the judicial system for years.

EPA did not respond to a request for comment.



Congressional watchdog to study Superfund site risks posed by disasters, climate change

BY TIMOTHY CAMA - 01/05/18 11:21 AM EST

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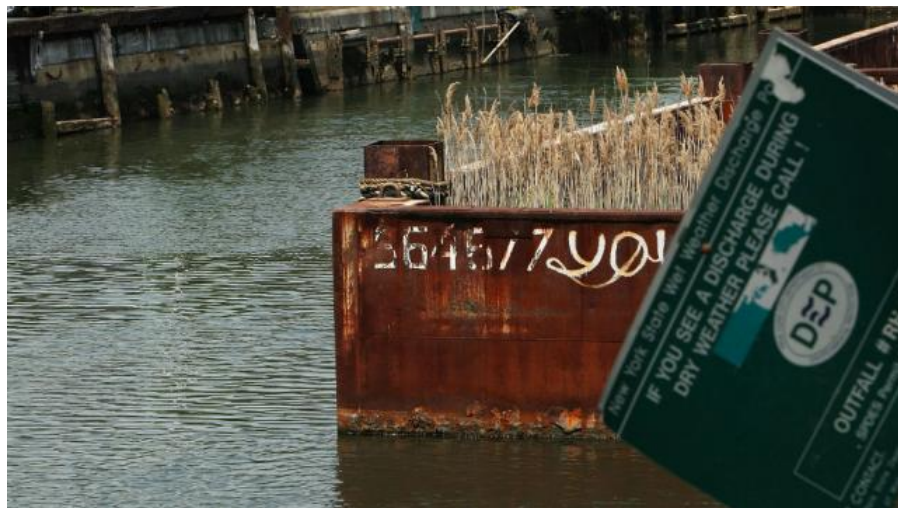
After record disasters, Congress must act to protect Americans

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A top government watchdog group is planning to study the risk that natural disasters and climate change pose to the nation's Superfund sites.

The Government Accountability Office (GAO), Congress's watchdog arm, told a group of Democratic senators last month that it would accept their request to do such a study and would start work in about four months. The lawmakers released the letter Friday.

The request came after a historic hurricane season, with major hurricanes, including Harvey, Irma and Maria, hitting the United States.

More than a dozen Superfund sites were damaged or flooded when Harvey hit Texas, and one started to leak. People in Puerto Rico drank water from a Superfund site after Maria hit, but the Environmental Protection Agency (EPA) later found the water was clean.

Sens. Kamala Harris (D-Calif.), Tom Carper (D-Del.) and others on the Environment and Public Works Committee cited projections about climate change in seeking the GAO investigation into the EPA's management of the 1,300 or so highly polluted Superfund sites around the country.

"According to the EPA, remediation efforts at contaminated sites may be vulnerable to the impacts of climate change, such as rising sea levels and

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increased inland flooding due to increased heavy precipitation events,” they wrote.

The Democrats asked that the GAO examine questions like what sites are at risk from disasters, what the environmental and health risks are, what the EPA is doing to manage the risks and how funding decreases impact the issue.

The GAO's decision to take on the matter was first [reported](#) by BuzzFeed.

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EPA wants to list New Mexico creek basin as cleanup priority

Posted: Jan 06, 2018 01:14 PM CST

Updated: Jan 06, 2018 01:14 PM CST

GRANTS, N.M. (AP) - Federal environmental regulators want to add a northwestern New Mexico creek basin in an area with a history of uranium mining to a list of priorities for cleanup.

The Gallup Independent reports the Environmental Protection Agency is seeking concurrence from the state and local governments to add the San Mateo Creek Basin in McKinley and Cibola counties to the Superfund National Priorities List.

The basin comprises approximately 321 square miles (831 sq. kilometers) within the Rio San Jose drainage basin, which contains numerous legacy uranium mines.

Water from many of the mines was discharged into San Mateo Creek.

A Nov. 16 EPA letter to the New Mexico Environment Department says there's evidence that hazardous substances have impacted private drinking water wells and threaten to impact public water supplies.

Trump's offshore oil drilling plans ignore the lessons of BP Deepwater Horizon | Opinion

Updated Jan 5;
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By The Associated Press

By Donald Boesch, University of Maryland Center for Environmental Science

The Trump Administration is proposing to ease regulations that were adopted to make offshore oil and gas drilling operations safer after the 2010 Deepwater Horizon disaster. This event was the worst oil spill in U.S. history. Eleven workers died in the explosion and sinking of the oil rig, and more than 4 million barrels of oil were released into

the Gulf of Mexico. Scientists have estimated that the spill caused more than \$17 billion in damages to natural resources.

I served on the bipartisan National Commission that investigated the causes of this epic blowout. We spent six months assessing what went wrong on the Deepwater Horizon and the effectiveness of the spill response, conducting our own investigations and hearing testimony from dozens of expert witnesses.



Members of the National Commission on the BP Deepwater Horizon Spill and Offshore Drilling listen to testimony at the Hilton New Orleans Riverside hotel on Monday, July 12, 2010. Shown from left are commission co-chairs William K. Reilly and Senator Bob Graham, and Donald Boesch, who was then president of the University of Maryland Center for Environmental Science. He now teaches at the center.

Our panel concluded that the immediate cause of the blowout was a series of identifiable mistakes by BP, the company drilling the well; Halliburton, which cemented the well; and Transocean, the drill ship operator. We wrote that these mistakes revealed "such systematic failures in risk management that they place in doubt the safety culture of the entire industry." The root causes for these mistakes included regulatory failures.

Now, however, the Trump administration wants to increase domestic production by "reducing the regulatory burden on industry." In my view, such a shift will put workers and the environment at risk, and ignores the painful lessons of the Deepwater Horizon disaster. The administration has just proposed opening virtually all U.S. waters to offshore drilling, which makes it all the more urgent to assess whether it is prepared to regulate this industry effectively.

Separating regulation and promotion

During our commission's review of the BP spill, I visited the Gulf office of the Minerals Management Service in September 2010. This Interior Department agency was responsible for "expeditious and orderly development of offshore resources," including protection of human safety and the environment.

The most prominent feature in the windowless conference room was a large chart that showed revenue growth from oil and gas leasing and production in the Gulf of Mexico. It was a point of pride for MMS officials that their agency was the nation's second-largest generator of revenue, exceeded only by the Internal Revenue Service.

We ultimately concluded that an inherent conflict existed within MMS between pressures to increase production and maximize revenues on one hand, and the agency's safety and environmental protection functions on the other. In our report, we observed that MMS regulations were "inadequate to address the risks of deepwater drilling," and that the agency had ceded control over many crucial aspects of drilling operations to industry.

In response, we recommended creating a new independent agency with enforcement authority within Interior to oversee all aspects of offshore drilling safety, and the structural and operational integrity of all offshore energy production facilities. Then-Secretary Ken Salazar completed the separation of the Bureau of Safety and Environmental Enforcement from MMS in October 2011.

Officials at this new agency reviewed multiple investigations and studies of the BP spill and offshore drilling safety issues, including several by the National Academies of Sciences, Engineering and Medicine. They also consulted extensively with the industry to develop a revised a Safety and Environmental Management System and other regulations.

In April 2016, BSEE issued a new well control rule that required standards for design operation and testing of blowout preventers, real-time monitoring and safe drilling pressure margins. Prior to the Deepwater Horizon disaster, the oil industry had effectively blocked adoption of such regulations for years.

About-face under Trump

President Trump's March 28, 2017 executive order instructing agencies to reduce undue burdens on domestic energy production signaled a change of course. The American Petroleum Institute and other industry

organizations have lobbied hard to rescind or modify the new offshore drilling regulations, calling them impractical and burdensome.

In April 2017, Trump's Interior Secretary, Ryan Zinke, appointed Louisiana politician Scott Angelle to lead BSEE. Unlike his predecessors - two retired Coast Guard admirals - Angelle lacks any experience in maritime safety. In July 2010 as interim Lieutenant Governor, Angelle organized a rally in Lafayette, Louisiana, against the Obama administration's moratorium on deepwater drilling operations after the BP spill, leading chants of "Lift the ban!"

Even now, Angelle asserts there was no evidence of systemic problems in offshore drilling regulation at the time of the spill. This view contradicts not only our commission's findings, but also reviews by the U.S. Chemical Safety Board and a joint investigation by the U.S. Coast Guard and the Interior Department.

Fewer inspections and looser oversight

On December 28, 2017, BSEE formally proposed changes in production safety systems. As evidenced by multiple references within these proposed rules, they generally rely on standards developed by the American Petroleum Institute rather than government requirements.

One change would eliminate BSEE certification of third-party inspectors for critical equipment, such as blowout preventers. The Chemical Safety Board's investigation of the BP spill found that the Deepwater Horizon's blowout preventer had not been tested and was miswired. It recommended that BSEE should certify third-party inspectors for such critical equipment.

Another proposal would relax requirements for onshore remote monitoring of drilling. While serving on the presidential commission in 2010, I visited Shell's operation in New Orleans that remotely monitored the company's offshore drilling activities. This site operated on a 24-7 basis, ever ready to provide assistance, but not all companies met this standard. BP's counterpart operation in Houston was used only for daily meetings prior to the Deepwater Horizon spill. Consequently, its drillers offshore urgently struggled to get assistance prior to the blowout via cellphones.

On December 7, 2017 BSEE ordered the National Academies to stop work on a study that the agency had commissioned on improving its inspection program. This was the most recent in a series of studies, and was to include recommendations on the appropriate role of independent third parties and remote monitoring.


Minor savings, major risk

BSEE estimates that its proposals to change production safety rules could save the industry at least \$228 million in compliance costs over 10 years. This is a modest sum considering that offshore oil production has averaged more than 500 million barrels yearly over the past decade. Even with oil prices around \$60 per barrel, this means oil companies are earning more than \$30 billion annually. Industry decisions about offshore production are driven by fluctuations in the price of crude oil and booming production of onshore shale oil, not by the costs of safety regulations.

BSEE's projected savings are also trivial compared to the \$60 billion in costs that BP has incurred because of its role in the Deepwater Horizon disaster. Since then explosions, deaths, injuries and leaks in the oil industry have continued to occur mainly from production facilities. On-the-job fatalities are higher in oil and gas extraction than any other U.S. industry.

Some aspects of the Trump administration's proposed regulatory changes might achieve greater effectiveness and efficiency in safety procedures. But it is not at all clear that what Angelle describes as a "paradigm shift" will maintain "a high bar for safety and environmental sustainability," as he claims. Instead, it looks more like a shift back to the old days of over-relying on industry practices and preferences.

This article was originally published on The Conversation, an independent and nonprofit source of news, analysis and commentary from academic experts. [Read the original article.](#)



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